



P3569.01 Continuation
Serial No. 09/376,317

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OFFICE OF PETITIONS

CERTIFICATE OF MAILING

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Medtronic Inc.

By Juanita I. Trauffer
Juanita I. Trauffer

Date Dec. 7, 2004

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Kenneth B. Stokes)
Josee Morissette)
Serial No. : 09/376,317)
Filed : August 18, 1999) Group Art Unit:
For : System and Method for Genetically Treating) 1632
Cardiac Conduction Disturbance) Examiner:
Docket No. : P3569.01 Continuation) Anne Marie S. Wehbe

RENEWED PETITION UNDER 37 C.F.R. §1.137 (B)
(REQUEST FOR RECONSIDERATION BASED ON SUPPORTING DOCUMENTS)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request reconsideration of the Applicants' Petition to Revive Application number US 09/376,317, submitted April 29, 2004. Applicants' petition was previously dismissed (mailed July 13, 2004). Dismissed petitions

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are subject to reconsideration.

Applicants' Renewed Petition is based on accompanying documents submitted herewith. It is based on the newly submitted documents that applicants believe they have cured any defects previously found in their original petition, and request Applicants' application be revived and returned to prosecution.

Applicants submit along with their Request for Reconsideration supporting documents to address defects of the previous petition: (1) Power of Attorney (previously submitted on October 11, 2004, along with their request for an extension of time) and; (2) Revised Amendments to address issues raised in the Office Action mailed December 19, 2001; and (3) a Request for Continued Examination (RCE).

Applicants previous petition was dismissed because:

(1) The Office's records indicated that Applicants' Agent is not formally listed as an attorney of record in the case; and

(2) (a) Applicants' response was not considered to place the petition in a condition for allowance or,

(b) Alternatively, there was not a submitted Request for Continued Examination (RCE) (see MPEP 711.03(c)(III)(A)(2) and 37 CFR 1.115;

In regard to the first matter, after Applicants' petition was denied, Applicants' attorney initially followed-up with conversations with Charlemea Grant from the Office of Petitions regarding the case on October 5, 2004, to better understand the Office's position on dismissing the petition. On September 8, 2004, applicants submitted a Power of Attorney (by Mike Jaro on behalf of Thomas Woods, dated September 7, 2004) and a Request for 3-month Extension of time. On October 15, 2004, applicants re-submitted to the office an Associate Power of Attorney (executed by Thomas Woods, dated October 11,

P3569.01 Continuation
Serial No. 09/376,317

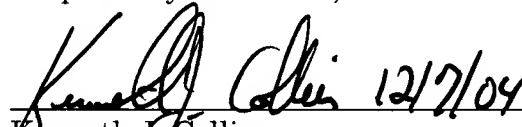
2004).

In regard to the second matter, Applicants are pursuing the recommendations of the office to resubmit a revised reply having discussed the case with Examiner Wehbe and reviewed her comments in the Examiner's Advisory Action. Copy of The Advisory Action was sent to Applicants on November 11, 2004. Revised claims and explanations of these changes are submitted for the Examiner's reconsideration. Alternatively, we have also submitted an RCE.

Finally, I would like to again thank Charlema Grant in the Office of Petitions for her guidance in this matter as well as Examiner Wehbe for her discussions regarding the case.

Applicants respectfully request reconsideration of their Renewed Petition to allow the case to return to active prosecution.

Respectfully submitted,


Kenneth J. Collier
Attorney/Agent for Applicant(s)
Registration No. 34,982
Phone: 763-505-2521

Medtronic, Inc.
Patent Department
710 Medtronic Parkway N.E.
Minneapolis, MN 55432

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**PETITION TRANSMITTAL**

In re Application of: Kenneth B. Stokes et al.
System and Method for Genetically Treating Cardiac Conduction Disturbance
Examiner: Anne Marie S. Wehbe
Group No.: 1632
Serial No.: 09/376,317
Filed: August 18, 1999

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OFFICE OF PETITIONS

CERTIFICATE OF MAILING UNDER 37 CFR 1.8: I hereby certify that this **PETITION TRANSMITTAL** and the paper(s), as described herein, are being deposited in the U.S. Postal Service, as first class mail, addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7th day of DECEMBER, 2004.

Juanita I. Traufler
Signature

Juanita I. Traufler
Printed Name

**Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

We are transmitting herewith the attached:

- ☒ Petition Transmittal with Fee Payment (**Please charge Deposit Account No. 13-2546.**)
- ☒ Renewed Petition Under 37 C.F.R. 1.137(B) (Request for Reconsideration Based on Supporting Documents)
- ☒ Revised Reply Under 37 C.F.R. 111 & Revised Amendment Under 37 C.F.R. 1.121
- ☒ Request for Continued Examination (RCE) Transmittal
- ☒ Copy of Associate Power of Attorney previously submitted October 15, 2004
- ☒ Return Postcard

☒ Applicant hereby petitions for a _____ month extension of time. If an additional extension of time is required, please consider this a petition therefor.

☒ Charge Deposit Account No. 13-2546 the sum of **\$2,160.00**. (**Petition Fee \$1,370.00 and RCE fee \$790.00**)

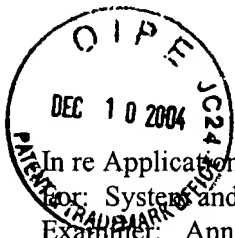
☒ Please charge any additional fees or credits to Deposit Account No. **13-2546** which may have been overlooked on this Amendment Transmittal with regard to this filing. A duplicate of this transmittal is enclosed.

— Applicant believes that no extension of term is required. However, if an extension of time is required, please consider this a petition therefor to provide for the possibility that applicant has inadvertently overlooked the need for an extension of time.

Date

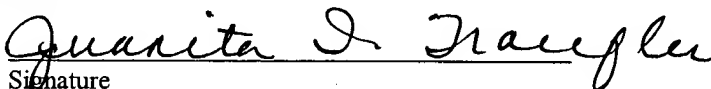
December 7, 2004

Kenneth J. Collier
Kenneth J. Collier, Reg. No. 34,982
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Minneapolis, MN 55432
Telephone: 763-505-2521

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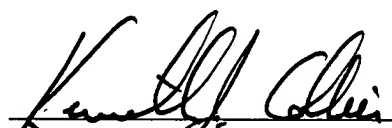
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December 7, 2004


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